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November 22, 2023

Granted.

*Via ECF*

The Honorable Robert W. Lehrburger  
United States District Court for the  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

SO ORDERED:

11/27/2023

HON. ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

**Re: Ware v. Brann, et al., No. 21 CV 2028 (PGG)(RWL)**

Dear Magistrate Judge Lehrburger:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel of the City of New York, the Honorable Sylvia O. Hinds-Radix, attorney for Defendants in the above-referenced action. I write to respectfully request a 2-week extension of the briefing schedule for the parties' cross motions for summary judgment in this action.

This extension is requested due to the fact that both internal approval and client approval of the Defendants' cross-moving papers cannot be secured in advance of the filing in light of absences during the Thanksgiving holiday, impeding the finalization of papers. In addition, the New York City Department of Correction's opposition to a class certification motion in the putative class action<sup>1</sup> (which would likely encompass Plaintiff here) concerning its response to the COVID-19 pandemic is due next week, and staff at the New York City Law Department, at the Department of Correction, and at Correctional Health Services have limited availability in light of this forthcoming filing. As such, I respectfully request a 2-week extension to December 8, 2023, of Defendants' time to cross move.

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<sup>1</sup> This lead case in the consolidated putative class action is *Azor-El v. City of New York*, 20 CV 3650 (KPF) (S.D.N.Y.)

The requested 2-week extension would adjust the deadlines as follows:<sup>2</sup>

<u><b>Event</b></u>	<u><b>Current Deadline</b></u>	<u><b>Proposed Deadline</b></u>
Defendants' cross-moving and opposition papers due on or before	November 24, 2023	December 8, 2023
Plaintiff's reply and opposition papers due on or before	January 4, 2024	January 18, 2024
Defendants' reply papers due on or before	January 29, 2024	February 12, 2024

This is the second request by Defendants for an extension of the parties' briefing schedule on their cross motions for summary judgment, the first having been granted, (ECF No. 111). Due to Plaintiffs' incarceration and his *pro se* status, I am unable to receive his consent to this application in advance of its submission.

I thank the Court for its consideration of this request.

Respectfully yours,

/s/ David S. Thayer

David S. Thayer

cc: ***Via First-Class Mail***  
Walter Ware  
ID#22B1979  
Green Haven Correctional Facility  
P.O. Box 4000  
Stormville, NY 12582  
*Plaintiff pro se*

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<sup>2</sup> Plaintiff did not file any moving papers. As such, Defendants' proposed briefing schedule excludes this deadline.